

chivalry in behalf of Senator Margie E. Neal, permitting her to express herself through me, as this is the only way her desire to vote for the Resolution can be made effective. I am prompted in this course on the reasonable assumption that her physical condition is such that it might jeopardize her health to journey to Austin at this time for the specific purpose of voting on the Resolution.

My affection and esteem for her is too great for me to permit her enthusiasm to outweigh better judgment in the preservation of health. I, therefore, waive my personal conviction in the matter and substitute for her on this important measure.

It is still my deliberate judgment that the principal involved in a state wide bond issue is unsound.

Benjamin Franklin Berkeley.

I was against the submission of S. J. R. No. 10 until the following amendment was added to same:

Amend Committee Substitute S. J. R. No. 10 as amended by adding to Section 1, as now amended, the following:

"And provided further that in the event the Legislature shall issue any obligations hereunder it shall first issue such obligations not to exceed the sum of \$75,000,000.00 for the purpose of paying interest upon and redeeming outstanding county and district highway bonds."

MARTIN.

THIRTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
February 28, 1929.

The Senate met at 10 oclock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Hyer.
Berkeley.	Love.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.

Russek.	Williamson.
Small.	Wirtz.
Stevenson.	Woodul.
Thomason.	Woodward.
Westbrook.	

Absent—Excused.

Neal. Witt.

Prayer by the Rev. W. F. Bryan.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Hardin:

S. B. No. 603, A bill to be entitled "An Act establishing at Meridian, in Bosque county, Texas, the Central Texas State Teachers College, conditioned upon acquiring good title to the college property of Meridian College now located at Meridian, Texas for the purposes of said Teachers College, providing for the acceptance of title to said property; etc., and declaring an emergency."

Read first time and referred to Committee on Finance.

Senators Excused.

On motion of Senator Hyer, Senator Witt was excused for the day on account of important business.

Simple Resolution No. 81.

Senator Holbrook sent up the following resolution:

By Senators Holbrook, Wirtz, Miller, Woodward, Woodul, Small, Pollard, Hornsby.

WHEREAS, Col. William Stewart simkins, one of the nation's leading law educators and for more than a half century one of the outstanding citizens of Texas, has just passed to life eternal, and,

WHEREAS, It is with profound sorrow that the members of this Senate are thus called to record his absence, it is but fitting that we should lay upon his open bier this tribute of our affections.

Colonel Simkins was not only a

great scholar and educator, but he was a great leader among men. He was the last of those mighty stalwarts, who placed the foundation stones at the base of our State University; and the value of his work can never be estimated except by those who knew him well.

He was the last of the sons of the old South who in war was glad to follow the Stars and Bars, and who as an instructor in our University did more than all others to free the minds of the Texas boys of this generation of the prejudices of that dark hour in the nation's history.

A great soldier, great lawyer, and kindly Christian gentleman has stepped quietly to the other side, and has struck camp with those immortals who inspired him in young manhood, and whose lives were a benediction to him in his maturer years. He now rests with those intrepid spirits whose great influences are enshrined in the history and traditions of this commonwealth. Roberts and Gould, Townes and Miller; Tarleton and Lewis,—will each give him a glorious welcome across the shining sea. What an inspiration it will be to each of them to clasp hands again within a court of perfect equity.

It Is Therefore Resolved by the Senate of Texas that while we bow in submission to the decree handed down by the Great Master in Chancery, we yet feel a poignant grief and the sting of an irrepressible sadness in our hearts.

Resolved Further that a copy of this brief tribute of our love and affection for Col. Simkins be printed in the Journal and a copy of same be mailed to each of his daughters.

The resolution was read and adopted unanimously by a rising vote.

Simple Resolution No. 82.

Senator Westbrook sent up the following resolution:

Whereas, The honorable James D. Buster of Sherman, Texas, Grand Master of the Odd Fellows of Texas is now in the city, therefore, be it

Resolved, That he be invited to address the Senate and be extended the privileges of the floor.

The resolution was read and adopted.

The Chair appointed Senators Westbrook, Miller, and Hyer to conduct Mr. Buster to the platform.

Mr. Buster Speaks.

Senator Westbrook introduced Mr. Buster who briefly addressed the Senate.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives, Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Pollard:

S. B. No. 226, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the Judiciary Department of the State Government for the balance of the fiscal year ending August 31, 1927, 1928, and 1929; and declaring an emergency."

With amendments.

By Senator Pollard:

S. B. No. 286, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the several departments of the State of Texas, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

With amendments.

By Senator Pollard:

S. B. No. 476, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State for the Prison System of the State of Texas, and authorizing payment of said miscellaneous items on taking effect of this Act, and declaring an emergency."

With amendments.

By Mr. Anderson:

H. B. No. 253, A bill to be entitled "An Act to empower the State Text Book Commission to adopt a multiple list of text books in German for use in high schools and also other high school texts on such other subjects for use in junior high schools as may be determined by a

seven-ninths vote of said Commission, and declaring an emergency."

By Mr. Jones:

H. B. No. 262, A bill to be entitled "An Act to amend Article 1302, Chapter 1, Title 32, of the Revised Statutes of 1925, by adding thereto Section 91 so as to provide for the creation of private corporations for the purpose of owning lands in the water control and improvement districts, water improvement districts, levee improvement districts, drainage districts and all lands susceptible of reclamation by levees, drainage or irrigation, in aid of the development and improvement of lands reclaimed, or to be reclaimed, within such districts, so that such lands may be speedily improved, subdivided, sold and utilized, and declaring an emergency."

By Mr. Bradley and Mr. Cox of Navarro:

H. B. No. 474, A bill to be entitled "An Act requiring every person, association or corporation, whether operating for charity or revenue, who shall own, conduct or manage a day nursery, children's boarding home or child-placing agency or other place for the care or custody of children under fifteen years of age, or who shall solicit funds in this State for such place or institution, to obtain an annual license from the State Board of Health, which license shall be issued without fee and under such rules and regulations as said board shall prescribe, requiring every such place or institution who shall place out or give to any person the care or custody of any such child, to keep and preserve a record of the full name, the actual or apparent age, and names and residence of the parents of such child so far as known, and the name and residence of the person with whom such child is placed."

By Mr. Finn and Mr. Woodall:

H. B. No. 528, A bill to be entitled "An Act amending Article 6673, Chapter 1, of Title 116, of the Revised Civil Statutes of Texas, and providing for the control of State Highways of Texas and providing that no change in the routing of highways already designated within towns and cities of more than 200 population shall be changed without the consent of the

commissioners' court of the county wherein said town or city is situated."

By Mr. Kinnear and Mr. Nicholson:

H. B. No. 627, A bill to be entitled "An Act authorizing the commissioners' court of Jefferson county, Texas, to purchase not exceeding two automobiles for the use of the county tax assessor, to be used by said assessor while actually engaged in the discharge of his official duties and providing for reports of repairs thereon and maintenance, to be made to the county auditor, and limiting the amount to be expended for the purchase of said automobiles."

By Mr. Carpenter:

H. B. No. 635, A bill to be entitled "An Act amending Article 6704 of the Revised Civil Statutes of the State of Texas, 1925, as amended by the Fortieth Legislature at its regular session, Chapter 178, page 256, by changing the provisions relative to the width of first-class roads; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 208.

The Chair laid before the Senate on second reading the following bill:

By Mr. Jones:

H. B. No. 208, A bill to be entitled "An Act to amend Section 9, Chapter 156, of the Acts of the regular session of the Fortieth Legislature, relating to the salaries, compensation, expenses and expenditures of administrative judicial districts, so as to have same hereafter paid by the respective counties or such districts in proportion to the number of weeks provided by law for holding district court in said respective counties, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 208 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.

Berkeley.

Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Neal. Witt.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Witt.

House Bills Referred.

H. B. No. 253 referred to Committee on Educational Affairs.

H. B. No. 262 referred to Committee on Mining, Irrigation, and Drainage.

H. B. No. 474 referred to Committee on Public Health.

H. B. No. 508 referred to Committee on State Highways and Motor Traffic.

H. B. No. 627 referred to Committee on State Affairs.

H. B. No. 635 referred to Committee on State Highways and Motor Traffic.

House Bill No. 346.

The Chair laid before the Senate on second reading the following bill:
By Mr. Hardy:

H. B. No. 346, A bill to be entitled "An Act to amend Article 5453 of the Revised Civil Statutes of Texas, 1925, relating to liens of mechanics, contractors, material men and laborers, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 346 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Witt.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Witt.

Free Conferences Requested.

Senator Pollard moved that the Senate do not concur in the House amendments to S. B. No. 226, and

ask for a Free Conference Committee instead.

The motion prevailed.

The Chair appointed Senators Pollard, Thomason, Cunningham, Beck, and Martin on the part of the Senate.

Senator Pollard moved that the Senate not concur in the House amendments to S. B. No. 286 and ask for a Free Conference Committee instead.

The motion prevailed.

The Chair appointed Senators Pollard, McFarlane, Woodward, Berkeley, and Parrish on the part of the Senate.

Senator McFarlane moved that the Senate refuse to concur in the House amendments to S. B. No. 476 and request a Free Conference Committee.

The motion prevailed.

The Chair appointed Senators Pollard, McFarlane, Holbrook, Stevenson and Woodward on the part of the Senate.

House Bill No. 456.

The Chair laid before the Senate on second reading the following bill:

By Mr. Johnson of Dimmit:

H. B. No. 456, A bill to be entitled "An Act to amend Article 5734 of the Revised Civil Statutes of Texas of 1925, so as to include a standard weight for green corn (roasting ears) per bushel, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 456 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.

Westbrook.	Woodul.
Williamson.	Woodward.
Wirtz.	

Absent—Excused.

Neal.	Witt.
-------	-------

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal.	Witt.
-------	-------

House Bill No. 646.

Senator Woodul called up from the table the following bill:

By Mr. Bradley:

H. B. No. 646, A bill to be entitled "An Act to amend Section 23 of Article 2092 of the Revised Civil Statutes of Texas, 1925, relating to the absence, sickness or disqualification of any district judge in any court controlled by said article, and providing for the election of a special judge in such court, and providing the manner of such election."

The bill passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 646 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Hyer.
Berkeley.	Love.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.

Russek.	Williamson.
Small.	Wirtz.
Stevenson.	Woodul.
Thomason.	Woodward.
Westbrook.	

Absent—Excused.

Neal.	Witt.
-------	-------

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal.	Witt.
-------	-------

House Bill No. 478.

The Chair laid before the Senate on second reading the following bill:

By Mr. Purl:

H. B. No. 478, A bill to be entitled "An Act to amend Article 5160 of the Revised Statutes of 1925, as amended by the act of 1927, first called session, page 114, Chapter 39, Section 1, and to provide that any person or persons or corporation entering into a formal contract with the State, or its counties, or school district, or other subdivisions thereof or any municipality therein, for the construction of any public building or the prosecution and completion of any public work, shall be required, before commencing such work, to execute the usual penal bond, with the additional obligation that such contractor shall promptly make payment to all persons supplying him or them with labor and material in the prosecution of the work provided for in such contract."

The bill was read second time.

Senator Hornsby sent up the following amendments:

Amend H. B. No. 478 in the following particulars:

Amend the caption by striking out the caption in the bill and inserting in lieu thereof the following:

A BILL

To Be Entitled

An Act to amend Article 5160 of the Revised Civil Statutes of 1925 as amended by the act of the Fortieth Legislature of 1927, First Called Session, page 114, Chapter 39, Section 1, providing more adequate and better regulations and provisions in connection with bonds where a person or persons, firm or corporation enter into a formal contract with this State, or its counties, or school districts, or any other subdivision thereof, or any municipality therein, for the construction of any public building, or the prosecution and completion of any public work; prescribing what bonds shall be executed in connection therewith and the obligations they shall contain relative to making payments to all persons supplying labor and materials in connection with the contract; providing more particularly what debts shall be secured by said bonds and providing for filing claims under oath with the county clerk in the county in which said work is being prosecuted, and fixing the time in which said claims must be filed in order to be secured by said bond; and providing further that after the completion and acceptance of the completed project, all moneys due the contractor under said contract shall be held by the state, or its counties, or school districts, or other subdivision thereof, or any municipality until such a time that satisfactory evidence is submitted and affidavits made that all just bills for labor and material under such contract have been paid in full by the contractor; and declaring an emergency.

The amendment was read and adopted.

Amend Section 1 of said bill by striking out the words "four months" on the third line from the bottom of page 2 between the words "within" and "from" and insert in lieu thereof the words "ninety days."

The amendment was read and adopted.

The bill as amended passed to third reading.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 478 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Nays—1.

Gainer.

Absent—Excused.

Neal.

Witt.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal.

Witt.

House Bill No. 489.

The Chair laid before the Senate on second reading the following bill:

By Mr. Tillotson, Mr. Beck, Mr. Hornaday, Mr. Duvall and Mr. Johnson:

H. B. No. 489, A bill to be entitled "An Act to clarify and make adequate the law regulating water control and improvement districts, and

to cause the same to comport with Section 59 of Article 16, of the Constitution of Texas."

The committee report was adopted.

The bill was read second time.

On motion of Senator McFarlane, the bill was laid on the table subject to call.

Point of Order.

The Chair, President Pro Tem Walter Woodward, ruled, on inquiry of Senator Parrish, that a member of a committee who was absent from the meeting at which a bill was acted on by the committee might sign a minority report on that bill.

House Bill No. 552.

The Chair laid before the Senate on second reading the following bill:

By Mr. Van Zandt and Mr. Bate-

man:
H. B. No. 552, A bill to be entitled "An Act validating the appointment of guardians when citation was published, as provided in Chapter 179, Acts Regular Session, 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and where such citation was not published as provided in Article 4115 of the Revised Civil Statutes of Texas, 1925."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 552 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal.

Witt.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Witt.

House Bill No. 637.

The Chair laid before the Senate on second reading the following bill:
By Mr. Bond:

H. B. No. 637, A bill to be entitled "An Act to validate the authorization, issuance and sale of certain school bonds issued by the Phenix independent school district of Kaufman county, Texas, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all property in said district, approving and validating all orders of the board of trustees of said district, bonds and taxes; and changing the name of said district to the 'Stubbs independent school district of Kaufman County, Texas,; and declaring an emergency.'"

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 637 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cousins.	Hyer.
Cunningham.	Love.
DeBerry.	Martin.
Gainer.	McFarlane.
Greer.	Miller.
Hardin.	Moore.

Parr.	Thomason.
Parrish.	Westbrook.
Patton.	Williamson.
Pollard.	Wirtz.
Russek.	Woodul.
Small.	Woodward.
Stevenson.	

Absent—Excused.

Neal. Witt.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Witt.

House Bill No. 675.

The Chair laid before the Senate on second reading the following bill:
By Mr. Snelgrove (by request).

H. B. No. 675, A bill to be entitled "An Act providing for a rural school supervisor in lieu of the teachers' institute as required under Article 2691, and providing for the payment of the salary of said rural school supervisor in counties having a population of 31,000 to 31,789, according to the Federal census of 1920, and a scholastic population of not less than 9,300 as shown by the scholastic census report for the school year 1928-1929."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 675 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Berkeley.
-------	-----------

Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Neal. Witt.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Witt.

S. C. R. No. 35.

Senator Greer sent up the following resolution:

S. C. R. No. 35, recalling Senate Bill No. 414 from the Governor.

Whereas, Senate Bill No. 414 has finally passed the Senate and the House and is now on the Governor's desk for his approval; and

Whereas, There is an error in said bill; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House concurring, that said Senate Bill No. 414 be recalled from the Governor's office for further consideration and correction.

GREER.

The resolution was read and adopted.

House Bill No. 63.

The Chair laid before the Senate

on second reading the following bill:

By Mr. Snelgrove:

H. B. No. 63, A bill to be entitled "An Act to amend Article 6869 of the Revised Civil Statutes of the State of Texas of 1925, by adding, Providing that no deputy appointed by the sheriff of any county shall be authorized or permitted to serve any civil process in any civil case where any of the parties have him employed or pay him any compensation for other services, and declaring an emergency."

The committee report was adopted.

The bill was read second time.

Senator McFarlane sent up the following amendments:

Amendment No. 1.

Amend H. B. No. 63, by adding Section 2a as follows:

If any section or part of this Act is held to be unconstitutional, it shall not affect the validity of the remaining portion of this Act.

McFARLANE.

The amendment was read and adopted.

Amendment No. 2.

Amend Caption by adding before the emergency clause the following:

Providing for contingency in case any Section is declared unconstitutional does not affect remainder of said Act.

McFARLANE.

The amendment was read and adopted.

The bill as amended passed to third reading.

On motion of Senator Thomason, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 63 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Martin.
Berkeley.	McFarlane.
Cunningham.	Miller.
Cousins.	Moore.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.

Westbrook. Woodul.
Williamson. Woodward.
Wirtz.

Absent—Excused.

Neal. Witt.

The bill was read third time and finally passed by the following vote:

Yeas—17.

Beck. McFarlane.
Berkeley. Miller.
Cousins. Patton.
Cunningham. Pollard.
Gainer. Stevenson.
Greer. Thomason.
Hyer. Williamson.
Love. Wirtz.
Martin.

Nays—4.

DeBerry. Parr.
Hornsby. Woodward.

Absent.

Hardin. Russek.
Holbrook. Small.
Moore. Westbrook.
Parrish. Woodul.

Absent—Excused.

Neal. Witt.

Recess.

On motion of Senator Wirtz, the Senate, at 12:05 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Motion to Print.

Senator Love moved that H. B. No. 466 be printed on minority report. The motion prevailed.

House Bill No. 522.

The Chair laid before the Senate, on second reading, the following bill:
By Mr. Montgomery:

H. B. No. 522, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 9, 12 and 13 of Chapter 88, General Laws of the First Called Session of the Fortieth Legislature of 1927, being An Act declaring un-

lawful the sale or offer for sale, transportation, preparation, receiving or delivery for transportation or marketing of citrus fruit that is immature, unripe, overripe, frost damaged or otherwise unfit for consumption and sale thereof declared to be a fraud upon the public; defining terms."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 522 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck. Parr.
Berkeley. Patton.
Cousins. Pollard.
Cunningham. Russek.
DeBerry. Small.
Gainer. Stevenson.
Greer. Thomason.
Hornsby. Westbrook.
Hyer. Williamson.
Love. Wirtz.
Martin. Woodul.
McFarlane. Woodward.
Miller.

Absent.

Hardin. Moore.
Holbrook. Parrish.

Absent—Excused.

Neal. Witt.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck. Moore.
Berkeley. Parr.
Cousins. Parrish.
Cunningham. Patton.
DeBerry. Pollard.
Gainer. Russek.
Greer. Small.
Hardin. Stevenson.
Holbrook. Thomason.
Hornsby. Westbrook.
Hyer. Williamson.
Love. Wirtz.
Martin. Woodul.
McFarlane. Woodward.
Miller.

Absent—Excused.

Neal. Witt.

House Bill No. 489.

Senator Hyer called up from the table H. B. No. 489.

The bill passed to third reading.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 489 was put on its third reading and final passage, by the following vote:

Yeas—22.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodward.

Absent.

Cunningham.	Small.
DeBerry.	Westbrook.
Gainer.	Woodul.
Parrish.	

Absent—Excused.

Neal.	Witt.
-------	-------

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodward.
Miller.	

Absent.

Cunningham.	Parrish.
Hardin.	Woodul.

Absent—Excused.

Neal.	Witt.
-------	-------

House Bill No. 461.

The Chair laid before the Senate on second reading the following bill:

By Mr. Hogg:

H. B. No. 461, A bill to be entitled "An Act to prohibit the building, construction, extension, operation or maintenance of any pipe line leading into the waters of the Gulf of Mexico, which pipe line is used or designed to be used for transporting, handling, loading, unloading, or discharging oil, gas or any derivative of oil or gas, or any other product or commodity susceptible of being transported into tanks, ships, vessels, barges or any water craft or any agency for loading water craft, and providing a penalty and imposing upon the Attorney General of Texas the duty of bringing timely suit to prevent and restrain the violation of this law, and fixing the jurisdiction and venue of such actions, and declaring an emergency."

The Committee amendments were adopted.

The bill was read second time.

Senator Stevenson sent up the following amendment:

Amend H. B. No. 461 by adding to Section 1, the following:

"Provided that pipelines, as described in this section, may be extended into the Gulf of Mexico for loading any of the oil or products as described in this section into tanks, ships, vessels, water-craft or any agency for loading water-craft whenever an emergency arises, by the destruction, through a storm, of the loading facilities within any harbor. This emergency can only be construed to exist in the event of a storm and after a determination by the Railroad Commission, and shall continue for only three months after the construction of such pipelines."

The amendment was read and adopted.

The bill as amended passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 461 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cousins.	Hyer.
Cunningham.	Love.
DeBerry.	Martin.
Gainer.	McFarlane.
Greer.	Miller.

Moore.	Stevenson.
Parr.	Thomason.
Parrish.	Westbrook.
Patton.	Williamson.
Pollard.	Wirtz
Russek.	Woodul.
Small.	Woodward.

Absent.

Hardin.

Absent—Excused.

Neal.

Witt.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Hardin.

Absent—Excused.

Neal.

Witt.

S. C. R. No. 36.

Senator Parr sent up the following resolution:

Resolved by the Senate, the House of Representatives concurring, that the Governor be requested to return S. B. No. 210 to the Senate for correction.

PARR.

The resolution was read and adopted.

S. J. R. -No. 8.

The Chair laid before the Senate, on third reading, the following resolution:

S. J. R. No. 8, A Joint Resolution "Proposing an amendment to the State Constitution so as to authorize the submission to the people of Constitutional Amendments at Special Sessions of the Legislature as well as at biennial sessions thereof."

The resolution was read third time.

Senator Pollard moved to lay the resolution on the table subject to call. The motion was lost by the following vote:

Yeas—6.

Cousins.	Miller.
Cunningham.	Parr.
Gainer.	Pollard.

Nays—17.

Beck.	Patton.
Berkeley.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Wirtz
Love.	Woodul.
Moore.	Woodward.
Parrish.	

Absent.

DeBerry.	McFarlane.
Hardin.	Russek.
Martin.	Westbrook.

Absent—Excused.

Neal.

Witt.

The resolution failed to finally pass by the following vote:

Yeas—15.

Beck.	Parrish.
Berkeley.	Patton.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Woodul.
Martin.	Woodward.
Moore.	

Nays—11.

Cousins.	Parr.
Cunningham.	Pollard.
Gainer.	Russek.
Love.	Williamson.
McFarlane.	Wirtz
Miller.	

Absent.

DeBerry.	Westbrook.
Hardin.	

Absent—Excused.

Neal.

Witt.

(A two-thirds vote was required.)

S. J. R. No. 9.

The Chair laid before the Senate, on third reading, the following resolution:

S. J. R. No. 9, A joint resolution "Proposing an amendment to the Constitution of the State of Texas fixing the compensation of the Governor."

The resolution was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Cunningham. Hardin.

Absent—Excused.

Neal. Witt.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

By Mr. Kincaid et al.:

H. B. No. 399, A bill to be entitled "An Act to provide for the sexual sterilization of inmates of State institutions in certain cases; prescribing the method of procedure and fixing duties of officials concerned therewith."

By Mr. Bond:

H. B. No. 509, A bill to be entitled "An Act authorizing county auditors in counties containing a popu-

lation of 35,000 or more, and in which there may exist or which there may be created, any improvement, navigation, road or irrigation district, or any other territory district having for its purpose the expenditure of public funds for improvement purposes, or improvements of any kind, whether derived from the issuance of bonds or through any character of special assessment, to any exercised control over the finances of said district as provided in Chapter 2 of the Revised Civil Statutes of the State of Texas, 1925, amending Article 1667 of the Revised Civil Statutes, 1925."

By Senator Love:

S. J. R. No. 2, A joint resolution "Proposing to amend the Constitution of the State of Texas, by adopting a new section, which shall provide that the Supreme Court of Texas may sit at any time during the year for the transaction of business, and that its term shall begin and end with each calendar year, and repealing existing provisions in conflict therewith."

By Mr. Long, Mr. Warwick, Mr. Chastain, Mr. Storey and Mr. Young.

H. B. No. 388, A bill to be entitled "An Act to amend Articles 6012, 6014, 6015, 6029, 6030, 6032 6033, 6035 and 6036, and to repeal Articles 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6013, 6016, 6017 and 6031 of the Revised Civil Statutes, 1925, so as to remove conflicts from the conservation statutes, restore the penalties and more adequately provide for the conservation of oil and gas in the State of Texas; defining and prohibiting wastes thereof; authorizing the Railroad Commission of Texas to stop and prevent the waste of such oil and gas, and to promote the conservation thereof, and to make and enforce rules, regulations and orders for such purposes."

By Mr. Gilbert and Mr. King:

H. B. No. 496, A bill to be entitled "An Act providing that there shall be allowed to county judges, clerks of district and county courts, sheriffs, county treasurers, tax assessors and collectors books, stationery, blanks, and all office furniture and supplies that may be necessary for

a proper administration of their offices."

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

By Senator Russek:

S. B. No. 82, A bill to be entitled "An Act to provide for the sale and lease of minerals in and on University lands; to provide for re-surveying, dividing and marketing said lands; prescribing the method of making and returning bids therefor; prescribing the minimum royalty and minimum rental thereon; authorizing the rejection of any and all bids therefor, and the sale thereof at open auction; prescribing duties of the Board of Regents of the University of Texas and of the Commissioner of the General Land Office of Texas; providing for the execution of mineral leases on said lands, and repealing all laws in conflict therewith; and declaring an emergency."

With amendments.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

By Mr. Shaver:

H. B. No. 503, A bill to be entitled "An Act authorizing the board of normal regents of the Texas State Teachers Colleges to make contracts for the erection of dormitories, to purchase or lease lands and other appurtenances for dormitories."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Sen-

ate for the appointment of a Free Conference Committee on S. B. Nos. 226, 286 and 476. The following members have been appointed on the part of the House:

For S. B. No. 226: Holder, King, Graves of Erath, Snelgrove and Moseley.

For S. B. No. 286: Wallace, McGill, Graves of Williamson, Hornaday and Woodall.

For S. B. No. 476: Wallace, King, Hubbard, Murphy, Westbrook.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

By Senators Wirtz, Witt, and Holbrook:

S. B. No. 114, A bill to be entitled "An Act to amend Article 2529, of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57 of the Acts of the First Called Session of the Fortieth Legislature relating to the collateral security to be pledged by depositories for securing State funds, by depositing a depository bond with the State Treasurer or by pledging with the State Treasurer bonds and certificates of indebtedness of the United States, obligations and pledges of the University of Texas, bonds issued by banks organized under the Federal Farm Loan Act located in Texas, bonds of counties, independent school districts and common school districts located in Texas, and bonds issued by municipal corporations in Texas, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. J. R. No. 21.

The Chair laid before the Senate on third reading the following resolution:

S. J. R. No. 21, A joint resolution proposing an amendment to Section 23 of Article 4 of the Constitution of the State of Texas, fixing the

compensation of the State Comptroller of Public Accounts, the State Treasurer and the Commissioner of the General Land Office, providing for an election upon such proposed Constitutional amendment, and making an appropriation therefor.

The resolution was read third time.

Senator Thomason sent up the following amendment:

Amend S. J. R. No. 21, by striking out "July 26, 1930," and inserting in lieu thereof the following: "at the general election in 1930."

THOMASON.

The amendment was read and adopted by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.

Nays—2.

Miller. Stevenson.

Absent.

Cunningham.

Absent—Excused.

Neal. Witt.

The resolution as amended passed finally by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.

Nays—2.

Pollard. Stevenson.

Absent.

Cunningham.

Absent—Excused.

Neal.

Witt.

Free Conference Requested.

On motion of Senator Wirtz, the Senate voted not to concur in the House amendment to S. B. No. 82 and to request a Free Conference Committee.

The Chair appointed the following on the part of the Senate:

Senators Wirtz, Witt, Woodul, Miller, and Holbrook.

S. J. R. No. 24.

The Chair laid before the Senate on third reading the following resolution:

S. J. R. No. 24, A joint resolution proposing an amendment to Article 8 of the Constitution of the State of Texas by adding thereto Section 20, providing that all property of the American Legion from which no profits, rents or revenues are derived by said Legion is exempt from all taxation in this State; providing for an election on said amendment and making an appropriation for same.

The resolution was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Cunningham.

Absent—Excused.

Neal.

Witt.

House Bills Referred.

H. B. No. 503 referred to Committee on State Affairs.

H. B. No. 399 referred to Committee on Public Health.

H. B. No. 509 referred to Committee on Mining, Irrigation, and Drainage.

H. B. No. 496 referred to Committee on State Affairs.

H. B. No. 388 referred to Committee on State Affairs.

S. J. R. No. 25.

The Chair laid before the Senate on third reading the following resolution:

S. J. R. No. 25, A joint resolution "Proposing an amendment to the Constitution of Texas providing that the State may collect license fees on motor vehicles operated for hire or tolls, but license fees on motor vehicles not operated for hire or tolls may be levied for county and district road purposes only; providing for an election to be held on said amendment; and making an appropriation to pay the expenses of issuing the proclamation and holding said election."

The resolution was read third time.

Senator Stevenson sent up the following amendment:

Amend S. J. R. No. 25 by adding after the words "for county and district road purposes only," the words "as directed by the Legislature and to be distributed as the Legislature directs."

STEVENSON.

The amendment was read and lost by the following vote:

Yeas—11.

Berkeley.	Parr.
DeBerry.	Parrish.
Greer.	Stevenson.
Holbrook.	Wirtz.
Love.	Woodward.
McFarlane.	

Nays—11.

Beck.	Russek.
Cunningham.	Small.
Gainer.	Thomason.
Hornsby.	Williamson.
Miller.	Woodul.
Pollard.	

Present—Not Voting.

Cousins

Absent.

Hardin.	Moore.
Hyer.	Patton.
Martin.	Westbrook.

Absent—Excused.

Neal.	Witt.
-------	-------

(A two-thirds vote was necessary.)

On motion of Senator Love the resolution was laid on the table subject to call.

House Bill No. 262.

The Chair laid before the Senate the following bill:

By Mr. Jones:

H. B. No. 262, A bill to be entitled "An Act to amend Article 1302, Chapter 1, Title 32, of the Revised Statutes of 1925, by adding thereto Section 91, so as to provide for the creation of private corporations for the purpose of owning lands in the water control and improvement districts, water improvement districts, levee improvement districts, drainage districts and all lands susceptible of reclamation by levees, drainage or irrigation in aid of the development and improvement of lands reclaimed, or to be reclaimed, within such districts, so that such lands may be speedily improved, subdivided, sold and utilized, and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended.

The Committee report was adopted.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 262 was put on its second reading by the following vote:

Yeas—29.

Beck.	Love.
Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.

Stevenson.	Wirtz.
Thomason.	Woodul.
Westbrook.	Woodward.
Williamson.	

Absent—Excused.

Neal.	Witt.
-------	-------

The bill was read second time.

Senator Woodward sent up the following amendments:

Amend H. B. No. 262 by striking out of the first section the words "and all lands susceptible of reclamation by levies, drainage or irrigation," and by adding to said Section 1 the following, to-wit: "for the purposes included in the acts creating said districts."

The amendment was read and adopted.

Amend caption of H. B. No. 262 by striking out the following language: "and all lands susceptible of reclamation by levies, drainage or irrigation."

The amendment was read and adopted.

The bill as amended passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 262 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal.	Witt.
-------	-------

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Woodul.
Moore.	Woodward.
Parr.	

Absent—Excused.

Neal.	Witt.
-------	-------

Senate Joint Resolution No. 25

On motion of Senator Love, the Senate reconsidered the vote by which S. J. R. No. 25 passed to engrossment.

On motion of Senator Love, the resolution was laid on the table subject to call.

House Bill No. 474.

The Chair laid before the Senate the following bill:

By Mr. Bradley and Mr. Cox of Navarro:

H. B. No. 474, A bill to be entitled "An Act requiring every person, association or corporation, whether operating for charity or revenue, who shall own, conduct or manage a day nursery, children's boarding home or child-placing agency or other place for the care or custody of children under fifteen years of age, or who shall solicit funds in this State for such place or institution, to obtain an annual license from the State Board of Health, which license shall be issued without fee and under such rules and regulations as said board shall prescribe, requiring every such place or institution who shall place out or give to any person the care or custody of any such child, to keep and preserve a record of the full name, the actual or apparent age, and names and residence of the parents of such child so far as known, and the name and residence of the person with whom such child is placed."

The rule requiring committee reports to lie over one day was suspended.

The committee report was adopted.

On motion of Senator Beck the constitutional rule requiring bills to

be read on three several days was suspended and H. B. No. 474 was put on its second reading by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Witt.

The bill was read second time and passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 474 was put on its third and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Witt.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.
Love.	Stevenson.
Martin.	Thomason.
McFarlane.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Parr.	Woodul.
Parrish.	Woodward.
Patton.	

Absent—Excused.

Neal. Witt.

Senate Bill No. 162.

The Chair laid before the Senate as special order the following bill:

S. B. No. 162, A bill to be entitled "An Act appropriating the sum of one hundred seventy-five thousand dollars (\$175,000.00) out of the State Treasury for the use of the Live Stock Sanitary Commission in the payment of salaries of inspectors in tick eradication, scabies eradication and live stock sanitary work and salaries of other persons employed by the said Commission in performance of such duties as may be designated by said Commission; and declaring an emergency."

The committee report carrying a substitute bill was adopted.

The bill as substituted was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 162 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Witt.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Witt.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 659.

Senate Bill No. 413.

The Chair laid before the Senate as special order the following bill:

S. B. No. 413, A bill to be entitled "An Act defining motor carriers and placing such motor carriers under the regulation of the Railroad Commission of Texas; providing for the classification of motor carriers into classes and providing that every motor carrier in order to operate on the public highways must have a permit or certificate of public convenience and necessity; and declaring an emergency."

The bill was read second time.

Senator Woodward sent up the following amendment:

Amend S. B. No. 413 by striking out the words "January 1st" line 31 page 4 and insert in lieu thereof the word and figures "February 20."

The amendment was read and adopted by the following vote:

Yeas—22.

Beck.	Hardin.
Berkeley	Holbrook.
Cousins.	Hornsby.
Gainer.	Hyer.
Greer.	Love.

McFarlane.
Moore.
Parr.
Parrish.
Patton.
Small.

Stevenson.
Thomason.
Westbrook.
Williamson.
Woodul.
Woodward.

Nays—6.

Cunningham.	Pollard.
DeBerry.	Russek.
Miller.	Wirtz.

Absent.

Martin.

Absent—Excused.

Neal. Witt.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 413 by striking out Section 8 and insert therein a section to read as follows:

"Section 8. No application for a permit to operate any motor vehicle on the public highways under the terms of this Act shall ever be denied on the ground that the existing transportation facilities over the highway in question are adequate, but if the applicant is able and willing to comply with all the requirements of this Act and the rules and regulations of the Commission, such application shall be granted. In the event of a refusal of any such application by the Commission, the applicant may have the matter reviewed in any district court of the applicant's residence or domicile, or any district court in which the highway involved in such application is situated or through which it may run the trial before such court to be de novo, and such court shall have the right to grant the application and to enter such orders in respect thereto as may appear proper to such court."

WIRTZ.

The amendment was read.

Senator Woodward moved that the bill and the pending amendment be made special order immediately after the morning call Friday morning. The motion prevailed.

House Bill No. 10.

The Chair laid before the Senate as special order the following bill:

H. B. No. 10, A bill to be entitled "An Act authorizing the creation of

Junior College Districts; embracing the territory; fixing the assessed valuation; providing for the calling of an election; the management and control of the Junior College; number of Trustees; how they should be elected; term of office; providing for the Trustees to make affidavits before entering upon their duties."

The Committee amendments were read.

Recess.

Senator Wirtz moved to recess until eight o'clock tonight. The motion prevailed by the following vote:

Yeas—16.

Cousins.	Russek.
Cunningham.	Small.
Gainer.	Stevenson.
Holbrook.	Thomason.
Martin.	Westbrook.
Miller.	Wirtz.
Parr.	Woodul.
Parrish.	Woodward.

Nays—10.

Beck.	Hyer.
Berkeley	Love.
DeBerry.	McFarlane.
Greer.	Moore.
Hornsby.	Pollard.

Absent.

Hardin.	Williamson.
Patton.	

Absent—Excused.

Neal.	Witt.
-------	-------

At 5:16 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 8:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

House Bill No. 10.

The question recurred upon the Committee amendments to H. B. No. 10.

Committee amendment No. 1 was adopted.

Senator Wirtz moved to reconsider the vote by which the amendment was adopted. The motion was lost by the following vote:

Yeas—10.

Cunningham.	Martin.
Gainer.	Miller.
Holbrook.	Parr.
Hornsby.	Wirtz.
Hyer.	Woodul.

Nays—11.

Beck.	Pollard.
Berkeley	Russek.
DeBerry.	Stevenson.
Greer.	Williamson.
Hardin.	Woodward.
Love.	

Absent.

Cousins.	Patton.
McFarlane.	Small.
Moore.	Thomason.
Parrish.	Westbrook.

Absent—Excused.

Neal.	Witt.
-------	-------

Committee Amendments Nos. 2, 3, 4, 5, and 6 were adopted.

Senator Woodward sent up the following amendment:

Amend H. B. No. 10 by striking out the first paragraph of Section 16 and insert therein and in lieu thereof the following, to-wit:

Section 16. Any public junior college now organized and conducted in the State of Texas which had been actually in operation prior to January 1, 1929, or which is recognized as a standard junior college by the State Department of Education, is hereby validated and may, by action of its board of trustees, choose to be governed by the provisions of this Act, and receive the privileges of the same, at any time that it may desire to do so.

WOODWARD.

The amendment was read and adopted.

Senator Wirtz sent up the following amendment:

Amend H. B. No. 10, Section 3, p. 866 of the Journal line 12 of second column by adding between the words "qualified" and "voters" the words "property tax-paying."

The amendment was read and adopted.

Senator Greer sent up the following amendments:

Amend H. B. No. 10, at the end of Section No. 10 thereof, by making the period a comma and adding the

following words: "but shall refund to the Junior College District its prorated part of all excess fees derived from this source and other official sources as provided under laws pertaining to excess fees."

The amendment was read and adopted.

Amend H. B. No. 10 by striking out of same all of Section 21, and substituting in lieu thereof, the following: "An Independent School District, or Districts, Common School District or Districts, may be annexed to a Junior College District for Junior College purposes only, by an election as provided in Section 2 hereof, upon petition of five per cent of the property tax-paying voters in such district or districts seeking to be annexed, provided further that such annexation shall have been previously approved by the Board of Trustees of the Junior College District and provided further that election for such annexation shall be called and the results canvassed and declared by the County Board of Education or the County Commissioners' Court of the County, in case there is no County Board of Education, provided further that the territory included in such annexed district shall thereby assume its share of any outstanding bonded indebtedness of the Junior College District, in proportion to the assessed valuation within the said district, and shall also become liable for taxes for maintaining the Junior College."

GREER.

The amendment was read and adopted.

The bill as amended passed to third reading.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 10 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Hyer.
Berkeley.	Love.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.

Russek.	Williamson.
Small.	Wirtz.
Stevenson.	Woodul.
Thomason.	Woodward.
Westbrook.	

Absent—Excused.

Neal. Witt.

The bill was read third time and finally passed by the following vote:

Yeas—24.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Woodul.
McFarlane.	Woodward.

Nays—4.

Cunningham.	Miller.
Gainer.	Wirtz.

Absent.

Patton.

Absent—Excused.

Neal. Witt.

Senate Bill No. 394.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 394, A bill to be entitled "An Act to amend the Revised Civil Statutes of Texas, 1925, by adding thereto 26 new Articles to be numbered No. 317-a, b, etc., said Articles providing special provisions in the election laws of the State of Texas relating to voting machines; providing for examination and approval of voting machines by the Secretary of State; setting out requirements of voting machines; providing for adoption of voting machines; mental use of voting machines; providing machines generally; providing voting machines in cities of more than 100,000 population; etc."

The bill was read third time.

Senator Greer sent up the following amendment:

Amend S. B. No. 394 by striking out of the caption the sentence:

"Providing voting machines in cities of more than 100,000 population."

The amendment was read and adopted unanimously.

Senator Pollard moved to lay the bill on the table subject to call. The motion was lost by the following vote:

Yeas—5.

Cunningham.	Pollard.
DeBerry.	Stevenson.
Martin.	

Nays—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

Gainer.	Russek.
Patton.	

Absent—Excused.

Neal.	Witt.
-------	-------

The bill as amended was finally passed by the following vote:

Yeas—18.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Parrish.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Woodul.
Love.	Woodward.

Nays—7.

DeBerry.	Pollard.
Martin.	Stevenson.
Miller.	Westbrook.
Parr.	

Absent.

Cunningham.	Patton.
Gainer.	Russek.

Absent—Excused.

Neal.	Witt.
-------	-------

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 262 by a vote of 102 Yeas and no Nays.

The House concurred in Senate amendments to H. B. No. 63 by a vote of 109 Yeas and no Nays.

The House concurred in Senate amendments to H. B. No. 664 by a vote of 108 Yeas and 2 Nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Metcalfe and others:

H. J. R. No. 11, Proposing an amendment to Article 7 of the Constitution of the State of Texas, so as to authorize the taxation of lands belonging to the University of Texas for all except State purposes, and providing for the payment of such taxes by the University of Texas to the proper authorities of the counties where said lands are located; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

By Mr. McGill:

H. B. No. 291, A bill to be entitled "An Act providing that when any lien or liens other than by written contract of the owners of property are fixed, secured or claimed by instrument filed of record under Chapter 2, Title 90, Revised Civil Statutes of 1925, the property owner contractor may file bond, providing the amount and terms of such bond and for notice prescribing period of limitation on causes of action to enforce lien or liens covered by such land and on causes of action on such

land, providing incidental matters, and declaring an emergency."

By Mr. Graves of Erath:

H. B. No. 454, A bill to be entitled "An Act amending Article 878 of the 1925 Penal Code, amended by House bill No. 71, Chapter 222, page 326, regular session of the Fortieth Legislature, so as to change the dividing line between the north and south hunting zones of this State and providing for which portion of the State shall be in each zone; amending Section 1, Article 879, of House bill No. 161, Chapter 215, page 316, regular session of the Fortieth Legislature, so as to define the open season on doves in the north zone and south zone, excepting certain counties therefrom."

S. C. R. No. 35, recalling Senate Bill No. 414 from the Governor's office for the further consideration of the Senate.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Woodward:

S. B. No. 87, A bill to be entitled "An Act amending Article 1177 of Chapter 7, Title 15, of the Penal Code of the State of Texas, Revision of 1925, and declaring an emergency."

With amendments.

By Senator Hornsby.

S. B. No. 230, A bill to be entitled "An Act to amend Chapter 69 of the Local and Special Laws enacted by the Thirty-sixth Legislature at its Second Called Session in 1919, same being a special road law for Burnet County, by adding thereto Section 2a, authorizing the commissioners' court of Burnet County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the

commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

With amendments.

S. B. No. 252, A bill to be entitled "An Act creating an advisory judicial council for the continuous study, investigation and report upon the civil judicial system of the State, its administration, procedure and functioning; gathering of civil judicial statistics; devising of methods for the improvement of civil judicial administration and procedure; prescribing the personnel of such council; prescribing its powers and duties; providing for the payment of the actual expenses of the council and its members, including clerical assistance."

With amendments.

By Senator Berkeley:

S. B. No. 257, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights and any third party who may have filed oil and gas applications thereon."

By Senator Stevenson:

S. B. No. 338, A bill to be entitled "An Act to amend Subdivision 24, of Article 199, Title 8, of the Revised Statutes of Texas, 1925, as same appears on page 88 of Volume 1 of said Revised Statutes so as to change the time and terms of holding the terms of the district court in Refugio and Calhoun Counties in the Twenty-fourth Judicial District of Texas; validating and continuing all writs and process issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the terms of court in the County of Calhoun, in said district, as herein fixed; to validate the summoning of grand and petit jurors under the present

law so as to render them available in Calhoun County under this Act; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

By Senator Parr:

S. B. No. 370, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties by providing for a salary of \$3,600 to be paid the county commissioners of counties having an assessed valuation of \$44,502,489.00 according to the last approved roll filed in the office of the State Comptroller, repealing laws in conflict therewith and declaring an emergency."

With amendments.

By Senator Thomason:

S. B. No. 374, A bill to be entitled "An Act making it unlawful for any person to fish by means of a net in the Counties of Cherokee, Nacogdoches, San Augustine, Angelina, Sabine, Newton, Jasper, and Tyler; declaring the violation of the provisions of this Act shall be deemed a misdemeanor and providing a penalty and declaring an emergency."

By Senator Cousins:

S. B. No. 397, A bill to be entitled "An Act amending Article 1970-122, Chapter 5, Title 41, Revised Statutes of Texas, 1925, by increasing the compensation of the judge of the county court of Jefferson County at law from Thirty-six Hundred (\$3,600.00) Dollars to Forty-five Hundred (\$4,500.00) Dollars per annum; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

By Senator Witt:

S. B. No. 404, A bill to be entitled "An Act to amend Chapter 402 Special Laws enacted by the Thirty-ninth Legislature at its First Called Session in 1926, same being a special road law for Limestone County, Texas, by adding thereto Section 4A authorizing the commissioners' court of Limestone County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

With amendments.

By Senator Hyer:

S. B. No. 407, A bill to be entitled "An Act to amend Article 2784, Re-

vised Statutes of 1925, to fix the maximum rate of tax to be levied for school purposes in all school districts including independent districts, consolidated districts, rural high school districts and common school districts organized under general or special laws; repealing all laws in conflict herewith both general and special; and declaring an emergency."

With amendments.

By Senators Berkeley, Wirtz and Woodward:

S. B. No. 446, A bill to be entitled "An Act extending oil and gas permits and combinations thereof issued on University lands that are valid and in good standing on the day that this Act takes effect, and the terms of which will expire on or before December 31, 1929; etc., and declaring an emergency."

With amendments.

By Senator Cousins:

S. B. No. 451, A bill to be entitled "An Act determining and fixing the annual salary of the County Superintendent of Public Instruction of Liberty County, Texas; providing for the payment of said salary; providing for the payment of office expense, and declaring an emergency."

With amendments.

By Senator Berkeley:

S. B. No. 524, A bill to be entitled "An Act providing for neighborhood roads in Brewster county, Texas, under certain conditions and circumstances; and declaring an emergency."

With amendments.

By Senator Stevenson:

S. B. No. 529, A bill to be entitled "An Act creating a special road law for Karnes county, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of Jan. 1, 1929, setting forth the method of said operation and declaring an emergency."

With amendments.

By Senator Woodul:

S. B. No. 576, A bill to be entitled "An Act to validate extension of corporate limits under Article 1175 Revised Statutes 1925 of cities having a population of one hundred thousand and under one hundred fifty thousand, as shown by the preceding Federal census, and to vali-

date all proceedings, actions and contracts taken or made in pursuance thereof, and declaring an emergency."

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 342.

The Chair laid before the Senate, on third reading, the following bill:

By Senator Holbrook:

S. B. No. 342, A bill to be entitled "An Act relating to the State Penitentiary and the State Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the reorganization of the prison system; making provision for the sale of the prison farms and the centralization of the Texas Prison System; providing for a Board for the valuation and sale of the present prison properties; and for a board for the selection of the location for the centralization of the system; providing for power in the State Board of Control to buy supplies, produce and manufactured articles from the State Prison System for use by the State; and providing for the establishment of a Prison Reformatory within the Texas Prison System for young short-term prisoners; making an appropriation to be used in carrying out this Act; and declaring an emergency."

The bill was read third time.

Senator McFarlane raised the point of order that this bill was out of order because the same bill in substance had been defeated in the House when it was offered as an amendment to another bill.

The Chair overruled the point of order on the ground that the bill in the House was offered as an amendment and not as a substitute.

The Chair withdrew S. B. No. 342 and laid before the Senate H. B. No. 567 in lieu thereof.

Senator Wirtz raised the point of order that H. B. No. 567 was not on the calendar.

The Chair cited Section 23 of the Senate Rules in the Legislative Manual and overruled the point of order.

Senator McFarlane raised the point of order that the majority report of the Committee did not reflect the will of the majority inasmuch as the vote was 7 to 6 and the

Chairman of the Committee was not allowed to vote because his vote would have tied the vote.

The Chair held that he could not rule on anything that happened in Committee.

Senator Cousins moved to indefinitely postpone further consideration of this bill.

Senator Hornsby moved the previous question on the motion. The previous question was ordered by the following vote:

Yeas—16.

Beck.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Moore.	Woodul.
Parrish.	Woodward.

Nays—9.

Berkeley.	Miller.
Cousins.	Parr.
DeBerry.	Russek.
Gainer.	Wirtz.
Martin.	

Absent.

Patton.

Absent—Excused.

Witt.

(Pairs Recorded.)

Senator Cunningham (present), who would vote nay with Senator Neal (absent), who would vote yea.

Senator McFarlane (present), who would vote nay with Senator Greer (absent), who would vote yea.

The motion to indefinitely postpone was lost by the following vote:

Yeas—9.

Berkeley.	Miller.
Cousins.	Parr.
DeBerry.	Russek.
Gainer.	Wirtz.
Martin.	

Nays—16.

Beck.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Moore.	Woodul.
Parrish.	Woodward.

Absent.
 Patton.
 Absent—Excused.
 Witt.

(Pairs Recorded.)

Senator Cunningham (present), who would vote yea with Senator Neal (absent), who would vote nay.
 Senator McFarlane (present), who would vote yea with Senator Greer (absent), who would vote nay.

The Committee substitute was adopted.

Senator Martin sent up the following amendment:

Amend H. B. No. 567 as substituted by striking out all of Sections 13 and 14 thereof.

MARTIN.

The amendment was read.

Senator Holbrook moved to table the amendment.

Senator McFarlane asked for a division of the question.

Senator Holbrook raised the point of order that no quorum was present. The roll call showed the following present:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Greer. Patton.
 Hornsby.

Absent—Excused.

Neal. Witt.

The motion to table the amendment to strike out Section 13 of the bill prevailed by the following vote:

Yeas—18.

Beck.	Holbrook.
Berkeley.	Hornsby.
DeBerry.	Hyer.
Hardin.	Love.

Moore.	Thomason.
Parrish.	Westbrook.
Pollard.	Williamson.
Small.	Woodul.
Stevenson.	Woodward.

Nays—8.

Cousins.	Miller.
Gainer.	Parr.
Martin.	Russek.
McFarlane.	Wirtz.

Absent.

Cunningham. Patton.
 Greer.

Absent—Excused.

Neal. Witt.

The motion to table the amendment to strike out Section 14 of the bill prevailed.

Senator Holbrook sent up the following amendments:

Amend Committee Substitute for H. B. No. 567 by adding after the word "Hays" in section 2, page 1076 of the Journal the following: "and in the counties of Hood, Hill, Ellis, Johnson and Somerville."

WIRTZ and HOLBROOK.

The amendment was read and adopted.

Amend Committee Substitute for H. B. No. 567 by inserting in the caption after the words "Location for the centralization of the System," the following:

"Providing that such location cannot be made in any of the following counties: Fayette, Colorado, Austin, Lavaca, Waller, Parker, Palo Pinto, Denton, Wise, Jack, Montague, Bexar, Bandera, Kendall, Kerr, Blanco, Caldwell, Comal, Gonzales, Guadalupe, Hays, Hood, Hill, Ellis, Johnson and Somerville."

WIRTZ and HOLBROOK.

The amendment was read and adopted.

Senator McFarlane sent up the following amendment:

Amend H. B. No. 567 as substituted by striking out the word "other" in lines 26 and 29 in section 6 on page 1077 of Senate Journal.

McFARLANE.

Read and adopted.

The bill as amended passed to third reading by the following vote:

Yeas—16.

Beck.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Moore.	Woodul.
Parrish.	Woodward.

Nays—9.

Berkeley.	Cousins.
DeBerry.	Parr.
Gainer.	Russek.
Martin.	Wirtz.
Miller.	

Absent.

Patton.

Absent—Excused.

Witt.

(Pairs Recorded.)

Senator Cunningham (present), who would vote no with Senator Neal (absent), who would vote yea.

Senator McFarlane (present), who would vote nay with Senator Greer (absent), who would vote yea.

House Bills Referred.

H. J. R. No. 11 referred to Committee on Constitutional Amendments.

H. B. No. 391 referred to Committee on Civil Jurisprudence.

H. B. No. 454 referred to Committee on State Affairs.

Adjournment.

On motion of Senator Woodward, the Senate, at 10:35 o'clock p. m., adjourned until 10:00 o'clock Friday morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. J. R. No. 21 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 9 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 8 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 25 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 601 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 24 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
March 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 162 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 466, A bill to be entitled "An Act to amend Article 691 of the Penal Code of Texas as revised in 1925, so as to allow a search warrant to issue in certain instances upon information and belief of two credible persons, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MILLER, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 466, A bill to be entitled "An Act to amend Article 691 of the Penal Code of Texas as revised in 1925, so as to allow a search warrant to issue in certain instances upon information and belief of two credible persons, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

HYER,
THOMASON.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 571, A bill to be entitled "An Act granting permission to W. S. Hale, a citizen of Leon county, Texas, to sue the State for damages to his land and growing crop of cotton thereon in the year 1928 in Leon county, Texas, by reason of the improper construction and maintenance of a public roadway embank-

ment adjoining his land on Farrier Highway No. 43 where said road crosses Keechi Creek bottom, a distance of 3,400 feet in said county; the liability of the State, if any, and the amount of the damages, if any, sustained by plaintiff to be determined by said suit and the amount thereof to be paid out of the State Highway fund; providing that said suit shall be filed within two years from the passage of this Act; providing that said suit shall be tried and determined in the trial and appellate courts according to the same rules of evidence and under the same procedure as are applicable to such cases when the same are against any other defendant; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 72, A bill to be entitled "An Act to amend Articles 2237, 2238 and 2239 of the 1925 Revised Civil Statutes of the State of Texas, providing for preparation of statement of facts and bill of exceptions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 348, A bill to be entitled "An Act to amend Article 1721 of the Revised Civil Statutes of Texas of 1925, providing for the appointment, qualification, duties and compensation of deputy clerks of the Supreme Court of Texas, and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 678, A bill to be entitled "An Act to provide for the selection

of Special Venire Petit Jurors in cases in counties having a population of at least sixteen thousand seven hundred and seventy-five and not more than seventeen thousand, as shown by the preceding Federal Census; providing that this Act shall be cumulative of all other laws on the subject; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 676, A bill to be entitled "An Act to amend Section 25, Chapter 212, H. B. No. 59, Acts of the 40th Legislature, Regular Session 1927; repealing all laws and parts of laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

H. B. No. 247, A bill to be entitled "An Act making it a felony for any sheriff, constable, deputy sheriff, deputy constable, Justice of the Peace, County Attorney, Chief of Police, Po-

liceman or other peace officer or any other person posing as an officer, to demand, receive or collect the whole of any part of the fine, or costs, in any misdemeanor case until after the affidavit or information has been filed and judgment of conviction rendered in such case and prescribing the punishment therefor provided that posting of cash bond as authorized by municipal officers shall not be prohibited; providing that if any part of this Act shall be held invalid it shall not affect any other provision; prescribing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with corrective amendments.

MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

H. B. No. 436, A bill to be entitled "An Act amending Article 287 of the Penal Code of the State of Texas of 1925 as amended by Chapter 139 of the General Laws of the Regular Session of the 39th Legislature so as to repeal that portion of the State Law prohibiting the operation of moving picture shows and theatres on Sunday in this State in any incorporated city or town after 1:00 p. m. and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 593, A bill to be entitled "An Act to increase the Criminal Jurisdiction of the county court of Robertson county, and to conform the jurisdiction of the District Court of said county to said change in the jurisdiction of said county court; to fix the time of holding court in said county court of Robert-

son county; and to repeal all laws and parts of laws in conflict herewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 629, A bill to be entitled "An Act prohibiting the sale of fresh water fish during the months of February and March in Cass, Bowie, Morris and Titus Counties; providing a penalty therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 460, A bill to be entitled "An Act providing a means of assisting tenant farmers to acquire homes, providing for a fund to be raised from private donations to be known as the Farm Foundation Fund, to be administered by a board of directors and by a State commission composed of the Governor, Commissioner of Agriculture, and Commissioner of the General Land Office, said fund to be used to purchase land and sell same to tenant farmers on long time, without interest; providing for appointment of said board; providing for rules and regulations for administering said fund; authorizing the receipt of donations for said fund to purchase farm lands to provide homes for tenant farmers; enacting other provisions incidental to the subject of the Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 638, A bill to be entitled "An Act providing for a shrimp and oyster canner's license, manner of making application, fee and form of license, tax on net weight of shrimp and oyster processed and canned, inspection by Game, Fish and Oyster Commissioner or his deputies, form and manner of keeping records and making reports, suit for recovery of taxes or fees, disposition of taxes, fines and fees, and other regulations of the shrimp and oyster canning business, penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 532, A bill to be entitled "An Act to provide for the appointment of an Assistant District Attorney in certain counties, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 137, A bill to be entitled "An Act providing for the catching of sucker fish in the streams of Gan and Glade Creeks in Upshur County, Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb 28, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 406, A bill to be entitled
"An Act to amend Article 955 of
the Revised Criminal Statutes of
1925, prohibiting the sale of fish
taken from fresh water streams of
certain named counties, and also
providing means and methods of
taking and possessing fish from
fresh water streams in said counties
by omitting name of the county of
Milam from said list of counties, and
declaring an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass and
that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
Mining, Irrigation and Drainage, to
whom was referred

H. B. No. 262, A bill to be entitled
"An Act to amend Article 1302,
Chapter 1, Title 32, of the Revised
Statutes of 1925, by adding thereto
Section 91a, so as to provide for the
creation of private corporations for
the purpose of owning lands in the
water control and improvement dis-
tricts, water improvement districts,
levy improvement districts, drainage
districts and all lands susceptible of
reclamation by levies, drainage or
irrigation, in aid of the development
and improvement of lands reclaimed
or to be reclaimed, within such dis-
tricts, so that such lands may be
speedily improved, subdivided, sold
and utilized, and declaring an emer-
gency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass, and
be not printed.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on

Public Health, to whom was re-
ferred

H. B. No. 274, A bill to be entitled
"An Act requiring every person, as-
sociation or corporation, whether
operating for charity or revenue,
who shall own, conduct or manage a
day nursery, children's boarding
home or child placing agency, or
other place for the care or custody
of children under fifteen years of
age, or who shall solicit funds in
this State for such place or institu-
tion, to obtain an annual license
from the State Board of Health,
which license shall be issued with-
out fee, and declaring an emer-
gency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass, and
be not printed.

BECK, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, a majority of your Com-
mittee on Privileges and Elections,
to whom was referred

S. B. No. 598, A bill to be entitled
"An Act amending Articles 3127,
3137, 3139 and 3167 of Chapter 13
of Title 50 of the Revised Civil Stat-
utes of Texas of 1925, repealing Ar-
ticles 3135, 3138, and 3141 of said
Chapter 13, and providing that all
political parties required by law to
nominate candidates for office at
primary elections, shall hold a
State Convention to announce a
platform of principles and elect a
new State Executive Committee and
Chairman thereof, on the fourth
Tuesday in May, 1930, and every
two years thereafter, and declaring
an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do not pass.

HOLBROOK, Chairman.

(Majority Report.)

Committee Report,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, a minority of your Com-

mittee on Privileges and Elections, to whom was referred

S. B. No. 598, A bill to be entitled "An Act amending Articles 3127, 3137, 3139 and 3167 of Chapter 13 of Title 50 of the Revised Civil Statutes of Texas of 1925, repealing Articles 3135, 3138, and 3141 of said Chapter 13, and providing that all political parties required by law to nominate candidates for office at primary elections, shall hold a State Convention to announce a platform of principles and elect a new State Executive Committee and Chairman thereof, on the fourth Tuesday in May, 1930, and every two years thereafter, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOVE,
COUSINS,
POLLARD

Committee Room,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 462, A bill to be entitled "An Act to amend Articles 5473 and 5474, Chapter 3, Title 90, of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 606, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any part thereof, within the time required by Law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and that it be printed in the Senate Journal but not otherwise.

WIRTZ, Chairman.

By Metcalfe.

H. B. No. 606.

A BILL

To Be Entitled

An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any part thereof, within the time required by Law; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the time in which any railway corporation chartered under the laws of the State of Texas since the first day of January, 1892, or the charter of which has been amended since that date, is required to begin construction of its road, and construct, equip, and put the same in good running order as required by Article 6418 of the Revised Statutes of the State of Texas of 1925, be and the same hereby is, as to any unfinished portion of such road, extended two years from the taking effect of this Act; and any railroad company having been chartered since January 1, 1892, or the charter to which has been amended since said date, which shall have forfeited its corporate existence or any of its rights and powers, or is about to do so, by reason of the failure to comply with said Article 6418, or any part of said Article, shall have restored and preserved to it, its corporate existence, and it shall have and enjoy all the corporate franchises, property rights and powers held or acquired by it previous to any cause of forfeiture as aforesaid; provided that no railway company which shall be revived or the time extended by virtue of this Act, shall claim or exercise any franchise not allowed, granted or permitted to other railway corporations under the Law as now in force in this State.

Sec. 2. Any railway corporation chartered since the first day of January, A. D. 1892, and which by its original charter or by amendment thereto, filed since said first day of January, A. D. 1892, has further

provided for the locating, constructing, maintaining, owning and operating of any extension or branch line or lines of railway, and which has failed or is about to fail to complete the same, or any part thereof, within the time required by law, shall, upon payment of all its franchise tax, be and is hereby restored to and granted all and singular the rights, privileges and franchises acquired by its original charter, or by such amendment to its articles of incorporation, as if the same was filed and recorded in the office of the Secretary of State on the day of the taking effect of this Act, and such corporation shall, upon payment of its franchise tax, be and is hereby authorized to project, complete, construct, own and operate any such extension and branch line or lines of railway under and as provided for in its charter or in any amendment to its articles of incorporation; provided, that such extension and branch line of railway shall be by such corporation completed and put in good running order at the rate of at least ten miles in two years from the taking effect of this Act, and twenty additional miles for each and every year thereafter, until all the branch line or lines of extension as provided for are completed; provided that the provisions of this Act shall not apply to any railroad company which has been chartered by the State of Texas for a period of ten years or more, and which has twenty miles or less of railroad to build in order to comply with its original charter, or any amendment thereto.

Sec. 3. The fact that no good can result to the State from the forfeiture provided against in this Act, and that the public interest and convenience will be promoted, and citizens in many parts of the State having invested in railway enterprises are subject to great loss unless the relief herein provided for be granted, create an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each House, and it is so suspended, and demanding that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 28, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 596, A bill to be entitled "An Act increasing the compensation of county attorneys in counties having no district attorney, and repealing laws in conflict herewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal, but not otherwise.

WIRTZ, Chairman.

By Gainer.

S. B. No. 596.

A BILL

To Be Entitled

An Act increasing the compensation of county attorneys in counties having no district attorney, and repealing laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the county attorneys in counties having no district attorney shall be allowed to retain as compensation from fees earned by their offices the following amounts, per annum: From the fees earned in the discharge of duties pertaining to the office of county attorney, under the general laws of this State, the sum of Two Thousand Dollars per annum; from the fees earned in the discharge of duties pertaining to the office of district attorney, the sum of Twenty-five Hundred Dollars per annum.

Sec. 2. That this Act shall apply only to county attorneys in counties which, according to the federal census of the year A. D. 1920 had a population of not less than twenty-one thousand persons, and not more than thirty-five thousand persons; and that this Act shall apply only to county attorneys in counties which are combined with one or more other counties in a judicial district.

Sec. 3. That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.